



# ***Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants***

***FY 1999  
Program Guidance  
and Application Kit***

**U.S. Department of Justice**  
**Office of Justice Programs**  
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U.S. Department of Justice

Office of Justice Programs

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Office of the Assistant Attorney General

Washington, D.C. 20531

Dear Colleague:

**INTRODUCING THE OJP GRANTS 2K SYSTEM**

This solicitation has been created using the new Grants 2K System that incorporates user friendly technologies into our grant management process in order to better serve you, our customers. Let me take this occasion to lay out our blueprint for the new system. Access through the Internet to Office of Justice Programs solicitations is the first step in our goal to produce a fully interactive system dedicated to expediting and streamlining the receipt, review, and processing of grant applications. Printed copies of OJP solicitations will continue to be available on request to the cognizant OJP program office.

The next step, to be completed in early Calendar Year 1999, will enable users to submit applications for grants directly to OJP electronically for these solicitations. Receipt of an application will enable program staff to initiate the funding decision process, better manage the internal review sequence, and provide timely award notification to grantees. Soon-to-be-completed features of the new system will enable grantees to request payments and to submit progress, subgrant and financial reports electronically.

The **Grants 2K System** will be administered by the Office of Justice Programs as a pilot project so that we can see how it works over the course of the FY 1999 funding cycle. The OJP Program Offices piloting the new system are:

Violence Against Women Grants Office  
Drug Courts Program Office  
Corrections Program Office  
Executive Office for Weed and Seed  
Office for State and Local Domestic Preparedness Support

We invite you to visit the OJP Internet home page at [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov) for additional information concerning the **Grants 2K System**.

Laurie Robinson  
Assistant Attorney General

# Application Checklist—Tier 1

## Have You Included?

*(Please check each box, as appropriate, and include the completed checklist in your application.)*

- G A completed Application for Federal Assistance form, SF-424. (All forms and assurances are included in the Appendices to this Program Guidance and Application Kit and are available on the Internet.)
- G A brief (5-10 pages) description of:
  - G The planned use of the funds and, if known, the amount/percentage of anticipated VOI/TIS funds for FY 1999 that the State plans to allocate for offender drug testing and intervention programs and the baseline report. The description should include an explanation of how the expenditures will increase bed space for the confinement of violent offenders and how any funds used for offender drug testing and intervention programs are related to the implementation of the States approved drug testing, intervention, and sanctions policies.
  - G How funds received in prior years are being used and the status of those projects.
  - G Activities related to implementation of the State's approved drug testing, sanctioning, and treatment policies and procedures.
  - G Any changes in the rights afforded victims of crime since the last application.
  - G How the program will be administered and the amount of funds for this purpose.
  - G Information on related Federal funding and activities.
- G Completed Drug Test Baseline Report.
- G Signed Tier 1 Assurance and description of commitment or plans to implement.
- G The Certification, signed by the Governor, of your State's commitment to fully support, operate, and maintain the correctional facilities constructed with grant funds
- G Signed General Assurances
- G Signed Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug Free Workplace Requirements
- G Completed copy of this checklist

## Submit Application To:

FY 1999 applications for Tier 1 must be postmarked no later than **March 1, 1999**, and should be sent to the address below. Transmissions sent by FAX or e-mail will be accepted, if received by the due date. The Program Guidance and Application Kit is available on the Internet at <http://www.ojp.usdoj.gov/cpo>.

Office of Justice Programs  
**Corrections Program Office**  
810 7th Street NW, 8th Floor  
Washington, DC 20531

Phone: **(800) 848-6325**  
(202) 305-4866 in D.C. Metro area  
FAX: (202) 307-2019  
E-mail: [askcpo@ojp.usdoj.gov](mailto:askcpo@ojp.usdoj.gov)

# Application Checklist—Tiers 2 and 3 and Truth-in-Sentencing

The application for Tiers 2 and 3 and the Truth-in-Sentencing Grant Program is a supplement to the FY 1999 Tier 1 application. All assurances, statements, and program descriptions included in the Tier 1 application apply to this supplement. Copies of all forms and assurances needed to apply are found in the Appendices to the Program Guidance and Application Kit.

## Have You Included?

*(Please check each box, as appropriate, and include the completed checklist in your application.)*

### ***General Requirements***

- G** A completed Application for Federal Assistance form, SF-424.
- G** If the State is seeking an alternative definition (any definition other than that provided in the UCR) for Part 1 violent crime, a description of the alternative definition and documentation of how it is applied.
- G** A completed copy of this checklist.

### ***Violent Offender Incarceration Program Requirements***

- G** **Check box if the State is applying for Violent Offender Incarceration Funds.** (Check box below to indicate type of funds requested.)
  - G** State is applying for funds under Tier 2.
  - G** State is applying for funds under Tier 3.
- G** Completed Data for Determining Eligibility (DDE) form (found in the Appendix A).

### ***Truth-in-Sentencing Incentive Program Requirements***

- G** **Check box if the State is applying for Truth-in-Sentencing funds.** (Please check “Determinate” or “Indeterminate” to specify the State’s sentencing structure, and then check the Truth-in-Sentencing criteria under which the State qualifies for funding.)
- G** **Determinate Sentencing State**
  - G** The State has implemented Truth-in-Sentencing laws that require persons convicted of a Part 1 violent crime to serve not less than 85 percent of the sentence imposed.
  - G** The State has implemented Truth-in-Sentencing laws that result in persons convicted of a Part 1 violent crime serving on average not less than 85 percent of the sentence imposed.

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- G The State has enacted, but not yet implemented, Truth-in-Sentencing laws that require the State, not later than 3 years after it submits its original Truth-in-Sentencing application for funds, to provide that persons convicted of a Part 1 violent crime serve not less than 85 percent of the sentence imposed.

**G Indeterminate Sentencing State**

- G The State can demonstrate that persons convicted of a Part 1 violent crime on average serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines.
- G The State can demonstrate that persons convicted of a Part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court.

**G Check box if the applicant State qualified for Truth-in-Sentencing in FY 1998:**

- G Check the box if there have been changes and provide a description of any changes to Truth-in-Sentencing legislation, guidelines, or practices.

**G** Please check here **if there have been no changes** in the legislation, guidelines, and/or practices, as provided and described in your previous application, that affect how violent offenders are sentenced and the percentage of sentence served.

- G **If applying for the first time as a determinate sentencing State**, a copy of legislation, guidelines, or other supporting information which demonstrates the State's compliance with the Truth-in-Sentencing requirements as defined in the Program Guidance and Application Kit.
- G **If applying for the first time as an indeterminate sentencing State**, documentation to show that the State practiced indeterminate sentencing on April 26, 1996 and met the eligibility criteria as of that date.
- G **All Truth-in-Sentencing applicants must provide** supporting data as described in this kit, if applicable.

## Submit Application To:

FY 1999 applications for Tiers 2 and 3 and Truth-in-Sentencing funds must be postmarked no later than **July 1, 1999**, and should be sent to the address below. Transmissions sent by FAX or e-mail will be accepted, if received by the due date. The Program Guidance and Application Kit is available on the Internet at <http://www.ojp.usdoj.gov/cpo>.

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# Introduction

This document describes the program requirements and provides the information and forms needed to apply for funding under the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Grant Program. The program was created under Title II, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, as amended, Pub. L. 103–322 (Crime Act), to assist the States in their efforts to remove violent offenders from the community and to encourage States to implement truth-in-sentencing. Administered by the Corrections Program Office (CPO), Office of Justice Programs (OJP), U.S. Department of Justice, the VOI/TIS Program provides much-needed funding to States as *formula grants* to build or expand correctional facilities and jails to increase secure confinement space for violent offenders. The FY 1999 application and eligibility requirements for funding remain essentially the same as those for FY 1998.

In FY 1998, all States, the District of Columbia, and the Territories qualified for Violent Offender Incarceration funding and 28 States qualified for Truth-in-Sentencing funds. The following data from the Bureau of Justice Statistics' (BJS) Bulletin on Prisoners in 1997 demonstrates progress being made by the States in addressing some of the goals of this program.

The total number of prisoners under the jurisdiction of State adult correctional authorities at the end of 1997 was 1,131,581. During 1997, 53,757 prisoners were added to State prison systems, an average of over 1,000 new inmates per week. The largest growth in State inmates was among violent offenders. Between 1990 and 1996, the number of violent offenders grew by 179,500 inmates or 50 percent.

Even with State prison building activities during the past several years, on December 31, 1997, State prisons were operating at between 15 and 24 percent above capacity and 33,736 State prison inmates were being held in local jails in 31 States

due to prison overcrowding. The need for new prison beds is expected to continue as the number of offenders sentenced to prison and the average time served increase. The average time served has increased from 43 months in 1993 to 49 months in 1997. Data from BJS shows that the average sentence imposed by the courts for violent offenders has decreased slightly from 98 months in 1993 to 93 months in 1997, but the percentage of sentence served has increased from 47 percent to 54 percent during that same period.

The FY 1999 appropriation for the Violent Offender Incarceration and Truth-in-Sentencing Program is \$720.5 million. The appropriation includes set-asides for the State Criminal Alien Assistance Program, the Cooperative Agreement Program, discretionary grants to build jails on tribal lands, and program administration. A total of approximately \$481 million will be distributed to the States under the formula grant program. Half of the funds are available for Violent Offender Incarceration Grants and half for Truth-in-Sentencing Incentive Grants. States may apply for both grant categories.

States were required to have implemented, by September 1, 1998, a program of drug testing, sanctioning, and treatment for prison inmates and offenders released from prison while under State supervision in the community. **All 56 States and Territories complied with the guidelines issued by the Attorney General prior to the September 1 deadline.** States are required to submit a baseline report of drug use in prisons by March 1, 1999, and to report annually thereafter on progress toward a creating a drug-free prison environment.

With support from the Administration, the statutory language was changed through the FY 1999 appropriations process to allow States to use a portion of their VOI/TIS funds to implement their drug testing, intervention, and sanctions policies. Beginning in FY 1999, States may use up to 10 percent of their annual VOI/TIS award for the costs of implementing these policies.

## Program Purposes

The purposes of the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants are to provide funds to States to:

- # Build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a Part 1 violent crime or adjudicated delinquent for an act which, if committed by an adult, would be a Part 1 violent crime.
- # Build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a Part 1 violent crime.
- # Build or expand jails.

## Definitions

- # **Construction Expenses** means costs associated with the erection, acquisition, renovation, repair, remodeling, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of fixed furnishings and equipment. It includes facility planning, prearchitectural programming, architectural design, preservation, construction administration, construction management, or project management costs. Construction does not include the purchase of land.
- # **Indeterminate Sentencing** means a system by which:
  - a. the court may impose a sentence of a range defined by statute; *and*
  - b. an administrative agency, generally the parole board or the court, controls release within the statutory range.

# **Indeterminate Sentencing State** means a State that on April 26, 1996—the date of the enactment of the Department of Justice’s FY 1996 appropriation, which amended the Violent Offender Incarceration and Truth-in-Sentencing statute—practiced indeterminate sentencing with regard to **any** Part 1 violent crime.

# **Part 1 Violent Crime** means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports (UCR).

- **Murder and Nonnegligent Manslaughter** are defined in UCR as the willful (non-negligent) killing of one human being by another. Not included in the count are deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder, which are counted as aggravated assaults.
- **Forcible Rape** is defined in UCR as the carnal knowledge of a female forcibly and against her will. Assaults and attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.
- **Aggravated Assault** is defined in UCR as the unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.



- **Robbery** is defined in UCR as the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**An Alternative Definition of "Violent Crime"** may be used for purposes of providing data to demonstrate compliance with the *eligibility requirements*. States may use the definition for Part 1 violent crimes as defined above, *or* a reasonably comparable class of serious violent crimes, as defined by the State and approved by the U.S. Attorney General. "Total violent offenses" as defined in the Data for Determining Eligibility form found in Appendix A has been approved as a reasonably comparable class of serious violent crimes.

- # **Sentence Imposed** means the term of incarceration set by the court at the time of sentencing.
- # **Sentencing and Release Guidelines** means guidelines that by law (including statutes, formal policy statements, or case law) are utilized both by courts for guidance in imposing a sentence and by parole release authorities in establishing a presumptive release date when the offender has entered prison.
- # **State** means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.
- # **Unit of Local Government** means any city, county, town, township, borough, parish, village, or other general purpose political subdivision of a State, or an Indian tribe that performs law enforcement functions as determined by the Secretary of the Interior.

## General Eligibility Provisions

Only States and Territories are eligible to apply for Violent Offender Incarceration and/or Truth-in-Sentencing Incentive grant funds. States may make subawards to State agencies and units of local government.

States may also enter into and apply for funds through regional compacts. Each member of a regional compact must meet the eligibility requirements. No State may receive a grant both individually and as part of a compact. States organized as regional compacts will receive the sum of the amounts that would be available individually to the participating States.

The chief executive of each participating State is required to designate a State office to administer the Violent Offender Incarceration and/or the Truth-in-Sentencing Formula Grant Program.

## Violent Offender Incarceration Grants—Eligibility Requirements

The Violent Offender Incarceration grant funds are allocated to States using a three-tiered formula. Each tier of the formula has different criteria for eligibility, and eligible States may receive funding under *all three tiers*.

Eighty-five percent of the funds available for Violent Offender Incarceration grants are available for the first two tiers, and no State may receive more than 9 percent of the total funds available for these two tiers. The remaining 15 percent is reserved for the third tier. The requirements and allocations for the three tiers are as follows:

## TIER 1

To be eligible for Tier 1 funding, a State must provide an assurance in its application that it has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws, that:

- # ensure that violent offenders serve a substantial portion of the sentences imposed; **and**
- # are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders; **and**
- # ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

Each eligible State, the District of Columbia, and the Commonwealth of Puerto Rico will receive a base allocation of 0.75 percent of the total funds available for Tiers 1 and 2 (\$1,532,819 for FY 1999). The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands will receive a base allocation of 0.05 percent (\$102,188 for FY 1999).

***Application Requirement:*** *The applicant must submit the Violent Offender Incarceration—Tier 1 Assurance found in Appendix A. In addition, the applicant must briefly describe how it has demonstrated or plans to demonstrate a commitment to these criteria, the correctional policies and programs that have been implemented or will be implemented, and the timeline for implementation.*

## TIER 2

A State that receives a grant under Tier 1 is eligible to receive additional funds if it demonstrates that, **since 1993**, it has increased:

- # the percentage of persons arrested for a Part 1 violent crime sentenced to prison; **or**
- # the average prison time actually served; **or**
- # the average percent of sentence served by persons convicted of a Part 1 violent crime.

The Violent Offender Incarceration funds available for Tier 1 and Tier 2 (85 percent of the Violent Offender Incarceration funds) remaining after distribution of the Tier 1 base awards are allocated to an eligible State in the ratio its Part 1 violent crimes, as reported to the FBI during the preceding 3 years, bear to the average annual number of Part 1 violent crimes for all eligible States.

***Application Requirement:*** *Applicants must complete sections 1 and 2 of the Data for Determining Eligibility form found in Appendix A. This form requests data for 1998, which will be compared with baseline information provided in previous applications.*

## TIER 3

A State that receives a grant under Tier 1 (and Tier 2, if applicable) is eligible for additional funds if it can demonstrate that it has:

- # **since 1993**, increased the percentage of persons arrested for a Part 1 violent crime sentenced to prison, **and** has increased the average percent of sentence served by persons convicted of a Part 1 violent crime; **or**
- # increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of Part 1 violent crimes.

Fifteen percent of the Violent Offender Incarceration grant funds are set aside for distribution under this tier. Each eligible State, the District of Columbia, and the Commonwealth of Puerto Rico will receive a base allocation of 3 percent (\$1,081,990 for FY 1999). The Virgin Islands, Guam, American Samoa, and the Commonwealth of

the Northern Mariana Islands will receive a base allocation of 0.03 percent (\$10,820 for FY 1999), if eligible. The remaining funds are allocated to each eligible State on the basis of its share of the average annual number of Part 1 violent crimes for the preceding 3 years, as reported to and published by the FBI for all eligible States.

**Application Requirement:** Applicants must complete sections 1 and 2 of the Data for Determining Eligibility form found in Appendix A. This form requests data for 1998, which will be compared with baseline information provided in the last application.

## Truth-in-Sentencing Incentive Grants— Eligibility Requirements

To be eligible to receive a Truth-in-Sentencing Incentive award, a State must demonstrate any **one** of the following:

### Determinate Sentencing States

- # The State has implemented Truth-in-Sentencing laws that require persons convicted of a Part 1 violent crime to serve not less than 85 percent of the sentence imposed.

**Application Requirement:** The applicant is required to provide its Truth-in-Sentencing law, which demonstrates compliance with this requirement. If applicable, the applicant should describe any exceptions to the law and how they are being applied. States that qualified under this provision in FY 1998 need only provide documentation of changes in law or practice, if any.

All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix A.

**or**

- # The State has implemented Truth-in-Sentencing laws that result in persons convicted of a Part 1 violent crime serving **on average** not less than 85 percent of the sentence imposed.

**Application Requirement:** The applicant must provide its Truth-in-Sentencing law and supporting data that demonstrate how the law results in violent offenders serving **on average** not less than 85 percent of the sentence imposed. If applicable, the applicant should describe any exceptions to the law and how they are being applied.

States that qualified under this provision in FY 1998 must include updated data demonstrating that offenders serve **on average** 85 percent of the sentence imposed and documentation of any changes in law, guidelines, or practice or changes in data projections affecting “average” time served. Copies of laws included in the FY 1998 application do not need to be resubmitted with the FY 1999 application.

All applicants must explain how they will monitor implementation to ensure that the average sentence served does not fall below 85 percent of the sentence imposed. All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix A.

**or**

- # The State has enacted, but not yet implemented, Truth-in-Sentencing laws that require the State, not later than 3 years after it submits its application for funds, to provide that persons convicted of a Part 1 violent crime serve not less than 85 percent of the sentence imposed.

**Application Requirement:** The applicant is required to provide its Truth-in-Sentencing law, which demonstrates compliance with this requirement and, if applicable, a description of any exceptions to the law and how they will be applied. The applicant must also provide a timetable for implementation of the law. States that qualified under this provision in FY 1998

*need only provide documentation of any changes in its law or timetable for implementation.*

## Indeterminate Sentencing States

To qualify for funds as an indeterminate sentencing State, the State must demonstrate that it practiced indeterminate sentencing and met one of the following two criteria on April 26, 1996, the date the statute was amended.

- # Persons convicted of a Part 1 violent crime **on average** serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines (see definition).

***Application Requirement:*** *The applicant must provide documentation that the State meets the definition of an "indeterminate sentencing State" and that its guidelines comply with the definition of "sentencing and release guidelines." Further, data must be provided to show that persons convicted of a Part 1 violent crime serve on average not less than 85 percent of the prison term established under these guidelines. The applicant must also describe how the guidelines are used in determining release dates and, if applicable, any exceptions to them and how they are being applied.*

*States that qualified under this provision in FY 1998 must include data demonstrating that offenders serve 85 percent of the sentence imposed and documentation of any changes in law, guidelines, practice, or data projections affecting "average" time served. Copies of laws or guidelines included in the FY 1998 application do not need to be resubmitted with the FY 1999 application.*

*All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix A.*

***or***

- # Persons convicted of any Part 1 violent crime

***on average*** serve not less than 85 percent of the ***maximum*** prison term allowed under the sentence imposed by the court.

***Application Requirement:*** *The applicant must provide documentation that the State meets the definition of an "indeterminate sentencing State" and data or other documentation to show that persons convicted of a Part 1 violent crime **on average** will serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court. If applicable, the applicant must describe any exceptions and how they are being applied. The applicant must also explain how it will monitor implementation to ensure that the average sentence served does not fall below 85 percent of the maximum prison term allowed under the sentence imposed by the court.*

*States that qualified under this provision in FY 1998 must include updated data demonstrating that offenders serve **on average** 85 percent of the sentence imposed and documentation of any changes in law, guidelines, practice, or data projections affecting "average" time served. Copies of laws and guidelines included in the FY 1998 do not need to be resubmitted with the FY 1999 application.*

*All applicants must also complete section 3 of the Data for Determining Eligibility form found in Appendix A.*

\* \* \*

In calculating time served, a State may include only the actual time an offender is committed to the care and custody of the correctional agency, **not** any administrative or statutory time credits, such as reductions for good behavior, earned time, meritorious conduct, population control releases, etc. Jail time served can be included in the computation, as well as time served in community and reintegration placements, but **not** probation and parole time.

A State in which a very small number of offenders with life sentences may be released must describe how exceptions to life sentences are handled and how this practice is consistent with the goals of Truth-in-Sentencing.

Truth-in-Sentencing grant funds will be allocated to each eligible State on the basis of its share of the average annual number of Part 1 violent crimes for the preceding 3 years, as reported to and published by the FBI for all eligible States.

By Statute, no State may receive more than 25 percent of the total amount available for Truth-in-Sentencing grants.

## Exception for Geriatric Prisoners and/or Prisoners With Medical Conditions

The Governor of the State may allow for the early release of:

- # A geriatric prisoner—an older person, as defined by the State, who is individually assessed to determine that he or she no longer poses a threat to the public.
- # A prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victim(s) have had an opportunity to be heard regarding a proposed release.

***Application Requirement:*** *The applicant must describe any exceptions to its Truth-in-Sentencing law or policies for geriatric prisoners, prisoners with medical conditions, or others, and provisions for public hearings for prisoners with a medical condition that precludes the prisoner from posing a threat to the public.*

## Demonstrated Ability To Operate Facilities

Each applicant must demonstrate its ability to fully support, operate, and maintain correctional facilities constructed with grant funds.

***Application Requirement:*** *The applicant must provide documentation of the State's ability to operate grant-supported facilities, in the form of a certification from the Governor that the State will use the grant funds to build or expand correctional facilities and intends to complete and operate such facilities. The applicant must also indicate that if grant funds will be awarded to units of local government, it will require a similar certification from the authorized official of the local jurisdiction to receive the funds.*

## Recognition of the Rights of Crime Victims

To be eligible to receive a grant, an applicant State was required to provide an assurance that it had implemented or would implement by October 26, 1997—18 months after enactment of the Department of Justice's FY 1996 appropriation, which amended the Violent Offender Incarceration and Truth-in-Sentencing statute—policies that provide for the rights and needs of crime victims.

Specifically, States are encouraged to provide recognition of the rights and needs of crime victims in the following areas:

- # Providing notice to victims concerning case and offender status.
- # Providing an opportunity for victims to be present at public court proceedings in their cases.
- # Providing victims the opportunity to be heard at sentencing and parole hearings.
- # Providing for restitution to victims.

- # Establishing administrative or other mechanisms to effectuate these rights.

States were not required to adopt any mandated set of victims' rights measures to comply with this provision, but the adoption by a State of measures which are comparable to or exceed those applied in Federal proceedings were deemed sufficient compliance for eligibility for funding. All States complied with this requirement by the due date.

***Application Requirement:*** *The applicant must briefly describe any changes in the State's victim's rights provisions or practices since submitting its FY 1998 application.*

## Drug Testing, Intervention, and Sanctions Program

The FY 1997 Appropriations Act included a provision which requires the States to implement a program of drug testing, intervention, and sanctions for offenders under corrections supervision. Notwithstanding a change to the statutory language attached to the FY 1999 appropriation that extended the deadline for compliance and makes compliance voluntary, the drug testing guidelines as issued by the Attorney General remain unchanged. See Appendix B for copy of guidelines.

The guidelines require States to establish a baseline rate of drug-free inmate drug tests during 1998. The baseline rate is based on random tests of the general population conducted during 1998. At a minimum, the baseline rate for 1998 should be based on random tests conducted between September 1, 1998, (the date the State policies were implemented) and December 31, 1998. No later than March 1, 1999, each State is required to submit a baseline report as part of its application for VOI/TIS Tier 1 funds. In addition, beginning March 1, 2000, an annual report on progress toward a drug-free prison environment will be required with the annual application for VOI/TIS Tier 1 funds.

***Application Requirement:*** *The applicant must complete and submit the baseline report found in Appendix B with its FY 1999 application for VOI/TIS Tier 1 funds.*

## Reporting of Inmate Deaths

The conference committee report accompanying the FY 1998 Appropriations Act directed OJP to provide a report on the feasibility of creating a single source for annual statistics on in-custody deaths. OJP submitted this report to Congress on March 6, 1998.

Most State correctional agencies currently provide annual reports of general information on prison inmate deaths to OJP's Bureau of Justice Statistics (BJS) through the National Prisoners Statistics Program (NPS). The NPS provides counts of inmate deaths by gender and cause of death, based on annual reports from the departments of corrections in the 50 States and the District of Columbia and from the Federal Bureau of Prisons.

States are required to report aggregate inmate death statistics to BJS through the NPS. Additionally, BJS collects information on the deaths of inmates held in local jails every five years in its National Census of Jails.

## Uses of Grant Funds

### # Expand Capacity

Grant funds may be used to build or expand permanent or temporary correctional facilities to increase bed space for the confinement of adult violent offenders and for nonviolent offender and criminal aliens to free space for violent offenders. Grant funds also may be used to build or expand local jails, build or expand juvenile correctional facilities, and/or for privatization of facilities.

## # Offender Drug Testing and Intervention Programs

Beginning in FY 1999, a State may apply up to 10 percent of its annual VOI/TIS award to the costs of offender drug testing and intervention programs during periods of incarceration and post-incarceration criminal justice supervision and/or to pay the costs of providing the required baseline report of drug use in its prisons. The funds may be used for costs associated with the implementation of the State's drug testing, intervention, and sanctions program as described in the policy and procedures approved by OJP/CPO, but may not be used to supplant funds previously appropriated for this purpose. *[Note: FY 1996-1998 VOI/TIS funds may not be used for this purpose.]*

**Application Requirement:** *The applicant must briefly describe the planned use of the funds and show how the expenditures will increase bed space for the confinement of violent offenders. The description must also include how any funds used for offender drug testing and intervention programs are related to the implementation of the States approved drug testing, intervention, and sanctions guidelines and policies.*

## Sharing Funds With Units of Local Government

Each State should reserve up to 15 percent of its formula grant award in a fiscal year for counties and other units of local government for the purpose of constructing, developing, expanding, modifying, or improving jails and other correctional facilities. In determining the amount of funds to be reserved, a State shall consider the burden placed on a county or unit of local government in housing State prisoners due to the State's efforts to incarcerate violent offenders and/or implement Truth-in-Sentencing.

## Juvenile Facilities

Grant funds may be used to build or expand correctional facilities to increase bed capacity for violent juvenile offenders. In addition, if a State certifies that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed by an adult would be a Part 1 violent crime, it may use grant funds to build or expand juvenile correctional facilities, including pretrial detention facilities and boot camps to increase capacity for the confinement of such nonviolent juvenile offenders, as defined by the Act. Exigent circumstances may include an increase in juvenile violent crime prosecutions or overcrowding of juvenile correctional facilities.

**Application Requirement:** *If the applicant plans to use funds for facilities for nonviolent juvenile offenders, as defined by the Act, it must certify in its application that exigent circumstances exist that require the State to expend funds to confine such juvenile offenders and provide a brief description of those circumstances.*

## Privatization

The State may use grant funds for the privatization of facilities to carry out the purposes of this program. Privatization means the private sector management and operation of a correctional facility that is owned by the State, leasing of beds from a private entity, or the construction of a State correctional facility by a private entity for the purpose of increasing or freeing existing bed space for Part 1 violent offenders.

**Application Requirement:** *If the applicant plans to use funds for privatization of facilities, it must provide a description of such arrangements.*

## Technical Assistance

OJP/CPO offers a broad range of training, conferences, workshops, and technical assistance to assist States with program eligibility and implementation. Assistance is available on topics such as comprehensive correctional planning; sentencing reform to include Truth-in-Sentencing; assessment of the impact of sentencing law changes; facility planning, construction, and renovation; and data collection and information system improvement. Assistance available is described in the OJP/CPO Technical Assistance Plan for FY 1999, which is available by calling the Corrections Technical Assistance Line or from the CPO homepage. States can also access technical assistance or obtain information on Department of Justice programs from any of the following numbers or homepages:

**Corrections Technical Assistance Line** (800) 848B6325

(Information on program, requirements, funding, and technical assistance) (202) 305B4866 D.C. Metro area

**CPO Homepage** <http://www/ojp.usdoj.gov/cpo>

(Copies of publications and information on grant activities in the States and technical assistance events)

**OJP Homepage** <http://www/ojp.usdoj.gov>

(Access to information and publications on the array of programs administered by OJP and its Bureaus)

**Department of Justice Response Center** (800) 421B6770

(General information about other Department of Justice programs)

**Bureau of Justice Statistics Corrections Staff** (202) 307B0765

(Assistance in completing data forms)

**Federal Bureau of Investigation C Program Support** (800) 793B7963

(Assistance with arrest data)

**National Criminal Justice Reference Service** (800) 851B3420

(Criminal justice/corrections-related research and information)

## Application Process

A two-phased application process will be used for the submission of FY 1999 applications. This will enable OJP/CPO to make the Tier 1 base awards to the States as quickly as possible. It will also provide States time to pass Truth-in-Sentencing legislation and/or update data on sentencing and release practices that may bring them into compliance with the statutory requirements to qualify for the Tier 2, Tier 3, and/or Truth-in-Sentencing funds.

**The application due dates are as follows:**

**Tier 1** **March 1, 1999**

**Tiers 2 and 3 and Truth-in-Sentencing** **July 1, 1999**

Applications may be submitted, and will be accepted, earlier than the dates established in this kit. However, since the funds for Tiers 2 and 3 and Truth-in-Sentencing are divided among all qualified applicants, awards cannot be made until all applications, which are due **July 1, 1999**, have been reviewed.



The application for Tier 2, Tier 3, and/or Truth-in-Sentencing funds will be processed as a supplement to the Tier 1 application. The second submission is a simplified application consisting of a signed Application for Federal Assistance form (SF-424), a copy of the completed checklist, and the specific documentation required for each type of funds requested. All assurances and certifications submitted with the Tier 1 application will apply to the supplemental application and award.

## Administrative Provisions

### State Office Responsibilities

The State office that has been designated by the Governor to administer this program is responsible for:

- # Preparing the application for Federal funds.
- # Administering grant funds received, to include establishing funding priorities; receiving, accounting for, and disbursing funds; reviewing, processing, monitoring, and evaluating subawards; preparing progress and financial reports; complying with audit requirements; and providing guidance and technical assistance to subgrantees.

***Application Requirement:*** *The applicant must provide a brief description of how the program will be administered, how funding decisions will be made, and the procedures for awarding and administering grants.*

### Administrative Funds

States may use up to three percent of the total formula grant award for costs associated with administration of the program.

***Application Requirement:*** *The applicant must provide a budget narrative indicating the amount of funds that will be allocated for administration and describing how the funds will be used. The*

*budget narrative should include the name and title of all personnel assigned to the grant (Federal and match funds) and the percent of time that will be devoted to grant activities, as well as a breakdown of other direct and indirect costs.*

### Match Requirement

The Federal share of a grant-funded project may not exceed 90 percent of the total costs of the project. The 10 percent matching funds must be in the form of cash match. Any formula grant funds used to implement the State's approved drug testing, interventions, and sanctions program and/or to administer the program are also subject to the same match requirements. The matching funds must be provided on a project by project basis, within the grant project period.

### Award Period

Funds for each fiscal year will be awarded for a period that includes the fiscal year of the appropriation plus 4 additional years. Awards will be made as a supplement to the initial Violent Offender Incarceration and Truth-in-Sentencing award and will therefore extend the award period for all prior awards.

### Monitoring and Evaluation

OJP/CPO will monitor the implementation of the Violent Offender Incarceration and Truth-in-Sentencing Program by analyzing changes in the following measures:

- # Prison capacity.
- # The number of new correctional facility and/or jail beds added to the system with grant support.
- # The number of correctional facility beds available for holding Part 1 violent offenders.

- # The proportion of persons arrested for a Part 1 violent crime who are sentenced to prison.
- # The number of persons convicted of a Part 1 violent crime who are sentenced to prison.
- # The average time served in prison by those convicted of a Part 1 violent crime who are sentenced to prison.
- # The average percentage of the total sentence actually served in prison by those convicted of a Part 1 violent crime who are sentenced to prison.

Much of this information is captured on the Data for Determining Eligibility (DDE) form. States are also required to complete semi-annual progress reports, described below.

The National Institute of Justice will conduct a national evaluation of this program. All applicants and their subgrantees must agree to participate in national evaluation activities by providing program or administrative information as requested. OJP/CPO will also monitor the grants for compliance with the grant purposes, assurances, certifications, and conditions.

## Reporting Requirements

The following reporting requirements have been established to assist OJP/CPO in monitoring program implementation:

- # **Financial Reports:** Financial status reports are due quarterly within 45 days following the end of each calendar quarter. A report must be submitted every quarter the award is active. The final report is due 120 days after the end date of the award. The Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund drawdowns may be withheld if the required reports are delinquent.

- # **Semi-Annual Progress Reports:** This report, found in Appendix C, provides information on the status of the implementation of the formula grant program. Reports for January through June and July through December of each year are due 30 days following the report period.
- # **Individual Project Reports:** This one-page report, found in Appendix C, provides information on subgrant/projects and should be sent by the State office to OJP/CPO following each subaward or allocation of funds for a specific project.
- # **Subgrantee Reporting:** States are responsible for monitoring and fiscal oversight of subgrant projects and shall establish regular progress and financial reporting requirements for subgrantees. These reports should be retained by the State office and made available for review by OJP/CPO or its authorized representatives during monitoring visits, inspections, or audits.
- # **Drug Testing Baseline Report:** This report, described on page 8, must be submitted by March 1, 1999, with the State's FY 1999 Tier 1 application.

## Single Point of Contact Review

The applicant must submit a copy of its formula grant application to the State Single Point of Contact (SPOC), if one exists, and if this program has been selected for review. The applicant should contact the State SPOC to determine if this program is subject to SPOC review.

***Application Requirement:*** *The applicant should enter the date that its application was sent to the SPOC or the reason such submission is not required in item 16 on the Application for Federal Assistance, SF-424.*

## Assurances

The application forms include a list of assurances, found in Appendix C, that the applicant must agree to comply with in order to receive Federal funds under this program. It is the responsibility of the recipient of the Federal funds to fully understand and comply with these requirements. Failure to comply may result in the withholding of funds, termination of the award, or other sanctions.

***Application Requirement:*** *The applicant must include in its application a copy of the assurances signed by a duly authorized representative of the applicant agency.*

## Supplanting Prohibition

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

## Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace

The applicant is required to certify the following, as detailed in the Certifications form found in Appendix C:

- # **Lobbying:** The applicant, and its subgrantees, contractors, and subcontractors, will not use Federal funds for lobbying and will disclose any lobbying activities.

- # **Debarment:** The applicant and its principals have not been debarred or suspended from Federal benefits and/or no such proceedings have been initiated against them; have not been convicted of, indicted for, or criminally or civilly charged by a government entity for fraud, violation of antitrust statutes, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and have not had a public transaction terminated for cause or default.

- # **Drug-Free Workplace:** The applicant will or will continue to provide a drug-free work-place.

***Application Requirement:*** *The applicant must include a signed Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirement form in its application.*

## Coordination of Federal Efforts

States are required to provide information in their application on (a) active Federal grant awards (from the Department of Justice or otherwise) already supporting this or related efforts; (b) information on any pending application(s) for Federal money for this or related efforts; and (c) how these would be coordinated with the funding sought by this application. For each, please include the program/project title, the Federal grantor agency; the Federal award amount, and a very brief description of its purpose.

This information is requested to encourage better coordination among Federal agencies in addressing State and local needs.

“Related efforts” is defined for these purposes as:

- # The same purpose (i.e., the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).

- # Another phase or component of the same program/project (e.g., to implement a planning effort funded by other Federal monies or to provide a substance abuse treatment or education component within a criminal justice project).
- # Providing services of some kind (e.g., technical assistance, research, evaluation) to the program/project described in your application.

***Application Requirement:*** *The applicant must include a list and description of active Federal grant awards or applications for funds related to the proposed project.*

## **Civil Rights Compliance**

All recipients of Federal grant funds are required to comply with Federal nondiscrimination requirements, as outlined in the assurances. If any court or administrative agency makes a finding of discrimination on grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing, the State office must forward a copy of the finding to the OJP Office of Civil Rights at the address on the inside cover of this document.

An Equal Employment Opportunity Plan is required for all grants of \$500,000 or more. If a plan is required and is not already on file with OJP, a special condition will be attached to the award requiring submission of a plan.

## **Purchase of American-Made Equipment and Products**

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act, that to the greatest extent practicable, all equipment and products purchased with Federal funds should be American-made.

## **Fiscal Requirements**

A State that receives Violent Offender Incarceration and/or Truth-in-Sentencing formula grant funds shall use accounting, audit, and fiscal procedures that meet or exceed the standards outlined in the OJP Financial Guide. States must also ensure that any funds used to carry out these programs represent the best value for the State government at the lowest possible cost and employ the best available technology. Upon request, the Corrections Program Office, in conjunction with the National Institute of Corrections, will provide technical assistance on cost-cutting construction standardization techniques and new building materials and technologies.

## **Appendix A**

### **Requirements for Determining Program Eligibility**

# **Statutory Assurance**

## **Violent Offender Incarceration Program—Tier 1**

The State/Territory of \_\_\_\_\_ assures that it has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

\_\_\_\_\_  
\_\_\_\_\_**Certifying Official (Name)**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
\_**Signature**

\_\_\_\_\_  
**Date**

U.S. Department of Justice  
Office of Justice Programs  
Corrections Program Office  
810 Seventh Street, NW  
Washington, DC 20531

**Data for Determining Eligibility for  
Violent Offender Incarceration and  
Truth-In-Sentencing Grants  
Fiscal Year 1999**



**State/Territory:** \_\_\_\_\_

**General Information**

- ! Eligibility requirements —** Data will be used to determine eligibility for Fiscal Year 1999 Violent Offender Incarceration grants under Section 20103, paragraph (b) and (c), and for Truth-In-Sentencing Incentive Grants under Section 20104, paragraph (a).
- ! Part 1 violent crime —** Section 20101 and 20105 provide the definition of 'Part 1 violent crime' to be used in completing this form. Part 1 violent crime means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of Uniform Crime Reports, or a reasonably comparable class of serious violent crimes as approved by the Attorney General. If you applied for funding in FY 1998 and used an approved, alternative definition, use the same definition for this year.
- ! Technical assistance —** If you need assistance in completing this form, call the Corrections staff at the Bureau of Justice Statistics at (202) 633-3000. For other assistance in completing the application, call the Corrections Technical Assistance Line at (800) 848-6325.
- ! Data accuracy —** When you have completed this form, certify the accuracy of the reported data by providing a signature from an approving official.

**Data Supplied By**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
PHONE (area code, number, ext.)

**Data Approved By**

\_\_\_\_\_  
NAME

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**State/Territory:**

**1. New Court Commitments of Sentenced Violent Prisoners During the Calendar Year —**

\_\_\_\_\_ 1998 \_\_\_\_\_

**A.** Number of sentenced persons  
admitted to prison for Part 1  
violent crimes

\_\_\_\_\_ or \_\_\_\_\_

**B.** Total number of sentenced  
persons admitted for violent  
crimes

**Definitions and Coverage**

- ! Sentenced prisoners —** Report data only for prisoners with a total maximum sentence of more than 1 year.
- ! New court commitments —** Include persons entering prison directly from court and not from any unsuccessful period of community supervision.
- ! Part 1 violent crimes —** Include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the Uniform Crime Reports.
- ! Total violent crimes —** Use the definition that was approved for your previous application.

**Instructions**

- !** Report (in Item 1A) the number of sentenced persons admitted to prison for Part 1 violent crimes in 1998.
- !** If you are unable to provide the number admitted for Part 1 violent crimes, write "DK" in the spaces provided (in Item 1A) and report data for Item 1B.

Comments:



**State/Territory:**

**2. First Releases of Sentenced Violent Prisoners During the Calendar Year —**

1998

**A.** Number of Part 1 violent  
prisoners released

or

Number of violent prisoners  
released (using previously  
approved definition)

**B.** Average total maximum  
sentence length (in months)  
(Exclude sentences of life or death)

**C.** Average time served in prison  
and jail (in months) by released  
violent prisoners

► Is jail time included?

G Yes G No

► Have prisoners with  
sentences of life or death  
been excluded?

G Yes G No

**Definitions and Coverage**

**! Sentenced prisoners —**

Report data only for prisoners with a total maximum sentence of more than 1 year.

**! First Releases —**

Report data only for prisoners released for the first time on the current sentence. Exclude persons who were previously released for the same offense, returned to prison and then released again.

**! Part 1 violent crimes —**

Include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the Uniform Crime Reports.

**! Total maximum  
sentence length —**

Report the total maximum sentence to incarceration including all consecutive sentences. Do not assign numeric values to sentences of life or death.

**Instructions**

**!** Report (in Item 2A) the number of Part 1 violent first releases in 1998. If you are unable to report the number released, write "DK" in the space provided.

**!** If you are unable to provide the number admitted for Part 1 violent first releases, use the same definition used in your previous application.

Comments:

State/Territory:

**3. Violent prisoners covered under Truth-in-Sentencing Laws —**

	New court commitments, 1998	First releases, 1998
A. Number violent prisoners	_____	_____
B. Average total maximum sentence length (in months) (Exclude sentences of life or death)	_____	_____
C. Average time served in prison and jail (in months)	_____	_____
▶ Is jail time included?	G Yes G No	G Yes G No
▶ Have prisoners with sentences of life or death been excluded?	G Yes G No	G Yes G No

**Definitions and Coverage**

- ! Sentenced prisoners —** Report data only for prisoners with a total maximum sentence of more than 1 year.
- ! New court commitments —** Include persons entering prison directly from court and not from any unsuccessful period of community supervision.
- ! First Releases —** Report data only for prisoners released for the first time on the current sentence. Exclude persons who were previously released for the same offense, returned to prison and then released again.
- ! Violent prisoners —** Include prisoners admitted or released for murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the FBI for purposes of the Uniform Crime Reports. If you used an approved, alternative definition in your application for FY 1998, use the same definition this year.
- ! Total maximum sentence length —** Report the total maximum sentence to incarceration including all consecutive sentences. Do not assign numeric values to sentences of life or death.
- ! Time served —** For admissions, report the average minimum time expected to be served before the prisoners will become eligible for first release. Include jail time, if available. For releases, report the actual average time served in prison and jail before first release.

**Instructions**

- !** If you are unable to report data for any item, write "DK" in the space provided.

Comments:

## **Appendix B**

### **Drug Testing Guidelines**

***The following are the Drug Testing Guidelines issued by the Attorney General and announced by the President on December 19, 1996, as amended on February 18, 1998, to implement the drug testing, sanctions and treatment requirement attached to the FY 1997 appropriation for the Violent Offender Incarceration and Truth-in-Sentencing Program.***

## **Introduction**

It is widely recognized that there is a strong correlation between drugs and crime. The level of criminal activity accelerates among drug involved individuals. Drug addicts are involved in approximately 3 to 5 times the number of criminal incidents as arrestees who do not use drugs. A study released in January 1998, by the Columbia University's Center on Addiction and Substance Abuse confirmed the need for coerced abstinence and treatment in the criminal justice system. It found that 80 percent of offenders in prisons and jails were either high on drugs or alcohol when arrested, stole property to buy drugs, or have a history of drug and alcohol abuse. The study also found that less than 18 percent of State and Federal inmates in need of treatment in 1996 actually received treatment, much of which was inadequate. The time in which drug-using offenders are in custody or under post-release correctional supervision presents a unique opportunity to reduce drug use and crime through effective drug testing, sanctioning, and intervention programs.

Operation Drug TEST (Testing, Effective Sanctions, and Treatment) is a Clinton Administration initiative for deterring crime and drug abuse. Operation Drug TEST is founded on three key assumptions: 1) there is a link between drugs and crime; 2) drug testing can reliably and inexpensively identify offenders who abuse drugs; and 3) testing, graduated sanctions, and treatment of offenders can deter drug abuse and crime.

The "Breaking the Cycle" (BTC) program, an

initiative to demonstrate these assumptions, is being developed by a consortium of Federal agencies. It entails universal drug testing and needs assessment of all offenders entering the criminal justice system, followed by appropriate assignment to a combination of treatment, sanctions, and supervision options regardless of the status of the defendant or the status of the case.

As part of Operation Drug TEST, States also are being encouraged to adopt comprehensive drug testing, sanctioning, and treatment programs for offenders at all stages of the criminal justice process through programs such as BTC. In addition, several grant programs provide resources for such efforts and/or include requirements that certain populations of offenders be tested and treated for drug use. For example, the Residential Substance Abuse Treatment for State Prisoners Program and the Drug Courts Program established by the Crime Control and Law Enforcement Act of 1994 provide funding for treatment and require testing of offenders who participate in these programs.

## **The State Prison Grant Program**

This document provides guidance for the implementation of the drug testing and intervention provision added in the FY 1997 Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant (VOI/TIS) Program through the Department of Justice Appropriations Act, 1997, (PL 104-208, 110 Stat. 3009, H.R. 3610). This grant program is administered by the Corrections Program Office in the Office of Justice Programs, U.S. Department of Justice. Grant funds may be used to:

- # build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a Part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a Part 1 violent crime;
- # build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps,

for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a Part 1 violent crime; and

# build or expand jails.

These guidelines describe the statutory requirement for drug testing, implementation requirements, and resources available to assist States with the development of effective substance abuse testing, sanctioning, and intervention programs.

## Statutory Requirement

The FY 1997 Appropriations Act included a new provision which requires the States to implement a program of drug testing and intervention for offenders under corrections supervision. The statutory requirement is as follows:

*Beginning in Fiscal Year 1999, and thereafter, no funds shall be available to a State for Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants unless not later than September 1, 1998, such State has implemented a program of controlled substance testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive controlled substance tests, consistent with guidelines issued by the Attorney General.*

## Compliance

To comply with this requirement, States are **required to have implemented a program of controlled substance testing, sanctioning, and intervention with clearly articulated policies and procedures.**

Most correctional agencies currently test some inmates and offenders under post-release

supervision for illegal drug use and, within available resources, provide drug education and treatment services to offenders with substance abuse problems. Minimum security and community-based facilities are more likely than maximum security institutions to test inmates. However, a review of State drug testing policies shows that these policies often provide only general guidance on which inmates and parolees should be tested and the frequency of testing. Few define interventions for offenders with identified substance abuse problems or sanctions for continued use or otherwise effectively utilize this post-conviction opportunity to reduce drug use.

The drug testing, sanctioning, and intervention requirement encourages each State to build on current testing and treatment efforts within its State to break the cycle of drugs and crime. An effective program of drug testing and intervention serves as a tool to identify offenders in need of drug treatment or coerced abstinence testing and to establish a range of interventions and sanctions that provide a strong deterrent to relapse and recidivism.

The scope of the drug testing program, types of interventions, and range of sanctions will be defined by each State based on the extent of drug use within its institutions and among post-release offenders under correctional supervision, current policies and practices, and available resources. Although the content of the policies and procedures and the services and sanctions available will vary across States, each State should have written policies and procedures for the effective implementation of its program. At a minimum, the program must include targeted and random testing as well as testing of offenders while in treatment, with positive tests followed by appropriate interventions and/or graduated sanctions, that include denial or revocation of release in appropriate circumstances.

The correctional policies and procedures related to the implementation of a State's drug testing, sanctioning, and intervention program should address the following:

### # Goal of the Program/Policy

The policy should include a statement which clearly articulates the purposes and goals of the drug testing and intervention program.

## **# Target Population**

The target population to be tested should be defined in the policy. The program for drug testing should include appropriate adult offenders, male and female, while incarcerated in State correctional facilities and following release into the community while under the custody or supervision of the State. States may have different policies and procedures for the various correctional populations.

## **# Testing of Offenders**

The scope of the drug testing program should be clearly defined in the policy and procedures. It should specify:

- ! how offenders will be targeted for testing, (e.g., upon admission or return from the community, random testing, mass testing, testing for cause, testing in connection with treatment programs, testing in connection with community-based correctional programs, testing as a condition of supervised release, etc.);
- ! testing logistics, (e.g., authorization, frequency, methodology and handling); and
- ! staff training.

## **# Interventions**

To ensure the most effective use of limited resources, the policy should describe the various types of interventions that are available, the criteria for referral to each type of intervention (e.g., drug education, group counseling, cognitive restructuring, therapeutic community, coerced abstinence, etc.), the procedures for placement, and the duration of the treatment programs.

The policies and procedures should also address the continuum of care from the institution to the community to include what resources will be available for the offender to continue treatment in the community after release, relapse prevention,

and procedures for coordination between the institutional program and the community program.

## **# Sanctions**

An effective program to deter drug use should hold offenders accountable for any violations of laws, institutional rules, or conditions of release. While types of responses should be progressive and varied, offenders should be held accountable for positive drug tests. The policies and procedures should clearly define a range of escalating sanctions for continued drug use and how these will be applied (e.g., counseling, warning/written instructions, administrative conference, increased surveillance and testing, intensified reporting requirements, curfew, day reporting center, house arrest, electronic monitoring, short term detention, denial or revocation of release, mandatory drug treatment, return to secure confinement, etc.). As part of their program, States must provide for denial or revocation of release in appropriate circumstances.

## **# Reporting Baseline Data and Progress in Reducing Drug Use**

In order to measure the impact of the State's drug testing, sanctions, and treatment policy and other drug control measures in reducing drug use among prison inmates, each State is required to establish a baseline rate of prison inmates who were shown to be free of drugs in 1998. Each State will identify the best method for determining the rate (based on all drug tests, random tests only, etc.). States which did limited testing prior to implementation of their revised policy, may establish their rate based on tests conducted between September 1, 1998 (the date that the policy must be implemented) and December 31, 1998. States which have already implemented significant measures to reduce drug use in their prisons, should provide the 1998 baseline data, but are encouraged to provide additional baseline information from prior years to document progress made in reducing drug use among inmates prior to implementation of the VOI/TIS drug testing requirements.

States are also required to report annual progress on reducing drug use by inmates. A progress report for each calendar year beginning in 1999 will be a requirement of the annual application for VOI/TIS Tier 1 funds. The method used by a State to compute the baseline rate must also be used to compute subsequent annual rates of drug use.

The rate of drug use by prison inmates varies across States. Some States report that at least 99 percent of their inmates are drug-free, while others report higher rates. The Federal Bureau of Prisons maintains a drug-free rate of 98 percent. States are encouraged to establish a zero tolerance policy and to set a goal of attaining a drug-free rate of at least 98 percent.

## # Due Dates

**March 1, 1998:** Each State which participates in the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program must submit either: 1) a copy of its drug testing policies and procedures and a description of how the policies are being implemented or 2) a plan of action to comply with this initiative by September 1, 1998. This will allow time for review and modification as appropriate prior to the statutory date of September 1, 1998 for having a program in place.

**September 1, 1998:** Each State must submit a certification that it has implemented its drug testing policies and procedures.

**March 1, 1999:** Each State must submit a baseline report of drug use among inmates in its prisons and an explanation of the method used to determine the baseline rate as part of its FY 1999 application for VOI/TIS Tier 1 funds.

**March 1, 2000 and Each Year Thereafter:** Each State must submit a report on progress toward reducing drug use among prison inmates during the preceding calendar year as part of its application for VOI/TIS Tier 1 funds.

These documents should be submitted to the Corrections Program Office, 810 7th Street, N.W., Washington, DC 20531.

Technical assistance is available to States that need assistance in implementing these requirements. **States which have not met these requirements by the specified dates will be ineligible to receive Violent Offender Incarceration and Truth-in-Sentencing funds.**

## Resources Available for Implementation

The Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant funds are not available to implement a State's substance abuse testing, sanctioning, and intervention program. The development of well defined drug testing and intervention policies and procedures should facilitate the most effective use of limited resources.

**Financial Resources:** States should explore resources available from other Federal grant programs to implement testing and treatment programs. **The Residential Substance Abuse Treatment for State Prisoners Formula Grant Program**, also administered by the Corrections Program Office, assists States and units of local government to develop and implement residential substance abuse treatment programs within State and local correctional and detention facilities. Grant funds may also be used to implement drug testing programs for offenders who participate in the residential treatment. The FY 1998 appropriation for this program is \$63 million. The authorized amounts for FY 1999 and FY 2000 is \$72 million per year.

Resources available through **the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program** may be used to implement programs within 26 statutorily defined purpose areas, which include drug testing and treatment. The FY 1997 appropriation of \$500 million included \$25 million more than the FY 1996 appropriation "to allow States to implement drug testing initiatives." Applicants are strongly encouraged to ensure that there is coordination between efforts to implement the requirement attached to the Violent Offender Incarceration and Truth-in-Sentencing Program

and the resources available through the Byrne Program, as appropriate. States that are not already engaged in a dialogue with their State alcohol and drug abuse agency, should contact that agency to explore the possibility of resources through the Federal grant programs administered by the Department of Health and Human Services.

**Best Practices:** Office of Justice Programs agencies have been involved with the research, evaluation, development, and implementation of drug testing and treatment programs for over two decades. Many resources are available to assist correctional agencies with the development of effective policies, procedures, and programs. Correctional agencies are encouraged to review and use as a guide the *American Probation and Parole Association's Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies* supported and published by the Bureau of Justice Assistance, and the *American Probation and Parole Association's Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies* supported and published by the Office of Juvenile Justice and Delinquency Prevention. Both of these guidelines can be adapted to programs within correctional institutions.

Numerous publications are also available to assist States with the implementation of effective treatment programs. An excellent summary of treatment-related research and evaluations is the *Effectiveness of Treatment for Drug Abusers under Criminal Justice Supervision*, published by the National Institute of Justice. These and other related documents are available, free of charge, through the National Criminal Justice Reference Service at (800) 851-3420.

**Technical Assistance:** The Corrections Program Office will provide technical assistance to include on-site technical assistance, conferences and workshops, and training. These services are available without cost to the States. CPO has entered into interagency agreements with the National Institute of Corrections and the Center for Substance Abuse Treatment to assist States with implementation of effective policies and programs. Technical assistance can be accessed by calling the Corrections Technical Assistance Line at (800) 848-6325.



## **Appendix C**

### **Forms**

# APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

<b>1. TYPE OF SUBMISSION:</b> <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED</b>	Applicant Identifier
		<b>3. DATE RECEIVED BY STATE</b>	State Application Identifier
<i>Preapplication</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		<b>4. DATE RECEIVED BY FEDERAL AGENCY</b>	Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name:		Organizational Unit:	
Address (give city, county, state and zip code):		Name and telephone number of the person to be contacted on matters involving the application (give area code)	
<b>6. EMPLOYER IDENTIFICATION (EIN)</b> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> - <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div>		<b>7. TYPE OF APPLICANT:</b> (enter appropriate letter in box) <input type="checkbox"/> <div style="display: flex; justify-content: space-between;"> <div>           A. State            B. County            C. Municipal            D. Township            E. Interstate            F. Intermunicipal            G. Special District         </div> <div>           H. Independent School Dist.            I. State Controlled Institution of Higher Learning            J. Private Industry            K. Indian Tribe            L. Individual            M. Profit Organization            N. Other (specify): _____         </div> </div>	
<b>8. TYPE OF APPLICATION:</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____		<b>9. NAME OF FEDERAL AGENCY:</b>	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> - <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px; margin-bottom: 5px;"></div>		<b>11. DESCRIPTIVE TITLE OF APPLICANTS PROJECT:</b>	
<b>12. AREAS AFFECTED BY PROJECT</b> (cities, counties, states, etc.): <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>			
<b>13. PROPOSED PROJECT:</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>	
Start Date	Ending Date	a. Applicant	b. Project
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b> a. YES. THIS PREAPPLICATION/APPLICATIN WAS MADE A VALUABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
a. Federal	\$ .00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b> <input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No	
b. Applicant	\$ .00		
c. State	\$ .00		
d. Local	\$ .00		
e. Other	\$ .00		
f. Program Income	\$ .00		
g. TOTAL	\$ .00		
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED</b>			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative			e. Date Signed

# Instructions for Completion of the Application for Federal Assistance (SF 424)

The Application for Federal Assistance is a standard form used by most Federal agencies for applications for Federal assistance. This form contains 18 different items, all of which are to be completed before your application is reviewed. The Office of Justice Programs (OJP) cannot accept the application without a completed and signed SF 424.

- Item 1 Type of Submission:** Since the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Program may only be used for building and expanding correctional facilities, check the "Construction" box.
- Item 2 Date Submitted:** Indicate the date you sent the application to OJP. The "Application Identifier" is the number assigned by your jurisdiction, if any, to track applications. If your jurisdiction does not assign an identifier number, leave this space blank.
- Item 3 Date Received by State:** Leave blank. This block is completed by the State Single Point Of Contact, if applicable.
- Item 4 Date Received by Federal Agency:** Leave blank. This item will be completed by OJP.
- Item 5 Applicant Information:** The "Legal Name" is the unit of government or the parent organization. For example, the primary or parent organization of a law enforcement agency is the name of the city or township. Thus the city or township should be entered into the Legal Name box and the name of the law enforcement agency would be entered into the Organizational Unit box. One person should be designated as the contact for the proposed project, and that person's telephone number should also be included. It is not unusual for the name of the contact person to differ from the authorized representative of your agency provided in Item 18.
- Item 6 Employer Identification Number:** Each employer receives an employer identification number from the Internal Revenue Service. Generally, this number can be easily obtained from your agency's accountant or comptroller.
- Item 7 Type of Applicant:** Enter the appropriate letter in this space. If the applicant is representing States organized as a regional compact, specify by checking Block N and entering "regional compact" and identify the participating States.
- Item 8 Type of Application:** Check either "new" or "continuation." Check "new" if this will be your first award for the purpose described in the application, even if the applicant has received prior awards for other purposes. Check "continuation" if the project will continue activities, including minor modifications, or implement the next phase of a project that was begun under a prior award number.
- Item 9 Name of Federal Agency:** The awarding agency for VOI/TIS is the Office of Justice Programs.
- Item 10 Catalog of Federal Domestic Assistance Number:** For VOI/TIS, the catalog number is 16-586.
- Item 11 Descriptive Title of Applicant's Project:** Type in the (1) title of the program as it appears in the solicitation or announcement; (2) name of the cognizant Federal agency (this is generally the Federal agency from which the applicant agency receives the largest proportion of its Federal funds); and (3) applicant's fiscal year, (12 month audit period such as October 1 to September 30).
- Item 12 Areas Affected by Program:** Identify the geographic area(s) encompassed by the project. Indicate "Statewide" or "National," if applicable.
- Item 13 Proposed Project Dates:** Fill in the beginning and end dates of the project. VOI/TIS awards will be made for the year of the appropriation plus 4 additional years.
- Item 14 Congressional Districts:** Fill in the number of the Congressional District(s) in which the project will be located and the Congressional District(s) the project will serve. Indicate "Statewide" if applicable.
- Item 15 Estimated Funding:** Since allocations for VOI/TIS cannot be determined until all eligible States have been identified, leave this blank.
- Item 16 State Executive Order 12372** Some States (although not all), require you to submit your application to a State "Single Point of Contact" (SPOC) to coordinate applications for Federal funds within the State. If your State requires a copy of your application, indicate the date this application was submitted. If a copy is not required, indicate the reason. The SPOC is not responsible for forwarding your application to the Federal funding agency.
- Item 17 Delinquent Federal Debt:** This question applies to the applicant organization and includes delinquent audit disallowances, loans, and taxes.
- Item 18 Authorized Representative:** Type the name of the person legally authorized to enter into agreements on behalf of your agency. This signature on the original application must be signed in blue ink and/or stamped as "original" to help us distinguish the original from the photocopies.

## General Assurances

The applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-133, A-87; E.O. 12372; and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally assisted project. Also the applicant assures and certifies that the applicant:

1. Has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all under-standings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required. The applicant also assures that it has the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will provide the Office of Justice Programs, the Comptroller General of the United States, and if appropriate, the State through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site or facilities without permission and instructions from the Office of Justice Programs, U.S. Department of Justice.
4. Will initiate and complete work within the applicable timeframe after receipt of approval of the awarding agency.
5. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or gives the appearance of personal or organizational conflict of interest or of being motivated by a desire for private gain for them-selves or others, particularly those with whom they have family, business, or other ties.
6. Will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial Guide; and all other applicable Federal laws, orders, circulars, or regulations.
7. Will comply with applicable provisions of 28 CFR related to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; and Federal laws or regulations applicable to Federal assistance programs.
8. Will comply, and all its contractors will comply, with all Federal statutes relating to nondiscrimination. These include but are not limited to (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or

national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Subsections 1681–1683 and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (29 U.S.C. Subsections 6101–6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Subsections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 DDE-3 and 290 e.e.-3), as amended, relating to the confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. Sec. 3601 et seq.), as amended, relating to the sale, rental, or financing of housing; (i) Subtitle A, Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination against disabled persons; and (j) Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39 and any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made.

9. In the event a Federal or State court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights in the Office of Justice Programs.
10. Will provide an Equal Employment Opportunity Program if the application is for \$500,000 or more.
11. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
12. Will not, and all its subgrantees and contractors will not, hire illegal aliens.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUGFREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510, -

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local)

transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUGFREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67, Sections 67.615 and 67.620 —

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about —

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

### **DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620 —

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. Initial award <input type="checkbox"/> c. post award	<b>3. Report type:</b> <input type="checkbox"/> a. Initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ Quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, <i>if known</i>   Congressional District, <i>if known</i> :		<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>     Congressional District, <i>if known</i> :
<b>6. Federal Department/Agency:</b>    	<b>7. Federal Program Name/Description:</b>   CDFA Number, <i>if applicable</i> : _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Entity</b> <i>(if individual, last name, first name, MI)</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI)</i>	
<b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of the fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____ <b>Print Name:</b> _____ <b>Title:</b> _____ <b>Telephone No.:</b> _____ <b>Date:</b> _____	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form - LLL

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identifying the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001".
9. For a covered Federal action where there has been an award or loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI)>
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046); Washington, D.C. 20503.

# Individual Project Report



## Violent Offender Incarceration and Truth-in-Sentencing(VOI/TIS)

The State Office is required to submit this report to the Office of Justice Programs, Corrections Program Office within ten (10) days following the funding of a project with Violent Offender Incarceration and Truth-in-Sentencing Incentive formula grant funds. The State Office should submit an IPR for **each** project funded with VOI/TIS funds, including funds allocated for implementation of the State's drug testing, intervention, and sanctions policies and for administration of the formula grant program. This information will be used for monitoring and reporting on program implementation. Please submit this information to the Corrections Program Office, 810 7th Street, NW, Washington, DC 20531.

1. Grant Number: \_\_\_\_\_ State: \_\_\_\_\_

Project Funded through State Office \_\_\_\_\_ Project Funded through Subgrant Award \_\_\_\_\_ (Please check one)

2. Project Title: \_\_\_\_\_

3. Project Number: \_\_\_\_\_

### 4. Award Recipient (Implementing Agency/Subgrantee) Address

Agency Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

5. Project Contact Person: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ E-mail: \_\_\_\_\_

6. Project Location (City, County, Zip Code) \_\_\_\_\_

7. Congressional District(s) Served:(If statewide, enter "99") \_\_\_\_\_

### 8. Level of Government

- \_\_\_\_ State
- \_\_\_\_ County
- \_\_\_\_ City/Town
- \_\_\_\_ Indian Tribe
- \_\_\_\_ Multi-State Compact

### 9. Grant Budget:

Federal: \$ \_\_\_\_\_

Match: \$ \_\_\_\_\_

10. Use of Federal Grant Funds: Construction: \$ \_\_\_\_\_ Expansion: \$ \_\_\_\_\_

Privatization: \$ \_\_\_\_\_ Name of Contractor: \_\_\_\_\_

11. Total Project Cost: \$ \_\_\_\_\_

12. Project Start Date \_\_\_\_\_ Project End Date \_\_\_\_\_

13. Projected Construction Start Date: \_\_\_\_\_ Projected Construction Completion Date: \_\_\_\_\_

14. Target Population (Number of Beds by Category):

Adult Males: \_\_\_\_\_ Adult Females: \_\_\_\_\_ Juvenile Males: \_\_\_\_\_ Juvenile  
Females: \_\_\_\_\_



**15. Type of Facility** (Check all that apply)

- ☐ Prison
- ☐ Jail
- ☐ Boot Camp
- ☐ Juvenile Detention Center
- ☐ Juvenile Correctional Facility
- ☐ Community Corrections Program
- ☐ Work Camp
- ☐ Halfway House
- ☐ Other (Specify) \_\_\_\_\_

**16. Current Number of Beds In System:** \_\_\_\_\_

**17. Type of Project**

- ☐ Construction of New Facility
- ☐ Expansion of Existing Facility
- ☐ Lease Arrangement
- ☐ Enhancement of Existing Facility  
(e.g. Upgrade Security)
- ☐ Implementation of Drug Testing and Interventions
- ☐ Administration of Formula Grant Program

## Semi-Annual Report

### Violent Offender Incarceration and Truth-in-Sentencing(VOI/TIS)

Each State is required to submit to the Office of Justice Programs, Corrections Program Office, a semi-annual report that provides information on the status of the implementation of the VOI/TIS formula grant program. This report should be in narrative form and should address the following questions.

**State:** \_\_\_\_\_ **Grant Number:** \_\_\_\_\_

**Report Period:**

- ☐ January 1 - June 30, 1999
- ☐ July 1 - December 31, 1999

**Due July 31, 1999**

**Due January 31, 2000**

**Please address the following in narrative form:**

1. Please describe the status of program implementation to include:

Have all Federal grant funds been subawarded or allocated to specific projects? Describe the method and projected timetable for the subaward of unawarded funds (attach any Individual Project Reports which have not be submitted);

Provide the status report of each project including: start date, a description of changes in completion schedule, and reasons for any delays; and

Describe any issues or problems related to program implementation and how they are being addressed.

2. Please provide the following information for grant funded activities:

Number of beds under construction at end of reporting period;  
Number of beds completed during reporting period;  
Number of beds completed to date (since initial FY 1996 award); and  
Number of beds being leased from private sector or privately operated.

3. Please describe any changes in truth-in-sentencing practices during the reporting period, to include such changes as: introduction or passage of legislation, affects on the prison population, backup of offenders in local jails, changes in prosecution and/or sentencing practices, etc.
4. Please describe the status of the State's efforts to develop and/or implement a drug testing, sanctioning and treatment program for prison inmates and parolees. Provide an updated timeline and any issues or problems encountered and how they are being addressed.
5. Please describe any changes in the administration of the program to include: changes to the administrative budget, changes in the grant contact person or financial person, etc.
6. Please describe any technical assistance needs that you have at this time.

# Drug Testing Baseline Report



## Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS)

Each State is required to submit to the Office of Justice Programs, Corrections Program Office, as part of its FY 1999 application for VOI/TIS Tier 1 funds, a baseline report on drug-free results of random drug testing of the general inmate population in its prisons during 1998. At a minimum the baseline rate for 1998 should be based on random tests conducted between September 1, 1998, (the date that the policy had to be implemented) and December 31, 1998.

**State:** \_\_\_\_\_ **Grant Number:** \_\_\_\_\_

**Report Period:** ☐ All of calendar 1998 ☐ Other \_\_\_\_\_ to \_\_\_\_\_, 1998

### Please complete the following:

1. Describe how offenders in the general inmate population were selected for random drug tests, include such information as how the list of offenders to test was generated, how often tests were conducted, and the percent of inmates that were tested.

2. Indicate the number of random tests of the general inmate population (specimens collected) that were completed during the report period. Exclude random tests of targeted populations, such as random testing of offenders in treatment unless they were selected as part of the random selection of the prison population.

Number of inmates in the prison population: \_\_\_\_\_

Number of specimens randomly collected: \_\_\_\_\_

3. Of the randomly collected specimens, how many were drug free (negative for drug use) and what percentage of the total drug tests does this represent?

Number of drug free specimens: \_\_\_\_\_

Percent of drug free random tests: \_\_\_\_\_

**Submitted By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**U. S. Department of Justice**  
Office of Justice Programs

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*Washington, D.C. 20531*

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